THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.22263 of 2006

DATED 27.10.2006

Between:

Maruthi Steel Traders, represented by its Proprietor Sham Kumar. .. PETITIONER

versus

Municipal Corporation of Hyderabad, Tank Bund Road, Hyderabad through its Commissioner and another. .. RESPONDENTS

WRIT PETITION NO.22263 of 2006

ORDER:

This Court ordered Notice Before Admission on 20.10.2006 and directed status quo to be maintained for a period of three weeks. The matter is coming up for admission today.

2. Heard Sri Venkata Raghu Ramulu, learned counsel representing the writ petitioner and Sri Ghanta Rama Rao, learned Standing Counsel representing the respondents.

3. The Writ Petition is filed for Writ of Certiorari to call for the records connected with notice dated 14.10.2006 issued by the respondents and quash the same as illegal, arbitrary and unconstitutional and contrary to the provisions of Hyderabad Municipal Corporation Act and consequently direct the respondents not to interfere not to demolish the premises bearing No.5-5-407, M.J. Road, Hyderabad, and pass such other suitable orders.

4. The proprietor of the petitioner has been in occupation of the premises bearing No.5-5-407, M.J. Road, Hyderabad, and it is stated that the said premises is in good condition and it is also stated that the petitioner has been submitting returns to the Commercial Tax Department and the Commercial Tax Department in turn has been

passing assessment orders in favour of the petitioner. It is further stated that on 19.10.2006 without serving any notice on the petitioner, the officials of the respondents had affixed a notice under Section 456 of Hyderabad Municipal Corporation Act, 1955 on the said premises bearing No. 5-5-407, M.J. Road, Hyderabad, and the said notice pertains to premises bearing No.5-5-412. It is also stated that the petitioner came to know through the officials of the respondents on 20.10.2006 that the respondents will demolish the entire structures of the premises bearing No.5-5-407, M.J. Road, Hyderabad, and therefore they had affixed the notice dated 14.10.2006 on the evening of 19.10.2006. In the said circumstances, the writ petitioner approached this Court by filing the present Writ Petition.

5. In the light of the facts and circumstances, this Court is well satisfied that the impugned notice is devoid of correct particulars and hence the same cannot be sustained and accordingly the impugned notice in the Writ Petition is hereby set aside. However, the respondents are at liberty to follow the due procedure as specified by the provisions of Hyderabad Municipal Corporation Act, 1955, if the respondents chose to do so.

6. Accordingly, with the above direction, the Writ Petition is disposed of. No costs.

27.10.2006

SSR